

### REMARKS

Claims 1, 2, 4-6, 8, 11-12, 14-17, 19 and 27-32 are now pending in the application. Claims 3, 9, 10 and 18 are canceled without prejudice. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### DRAWINGS

The drawings stand objected to under 37 CFR 1.83 (a). In particular the drawings are objected to for not showing that the handle is "removably coupled". Claims 3, 9, 10 and 18 that recite this limitation are canceled without prejudice. Therefore this objection is now moot.

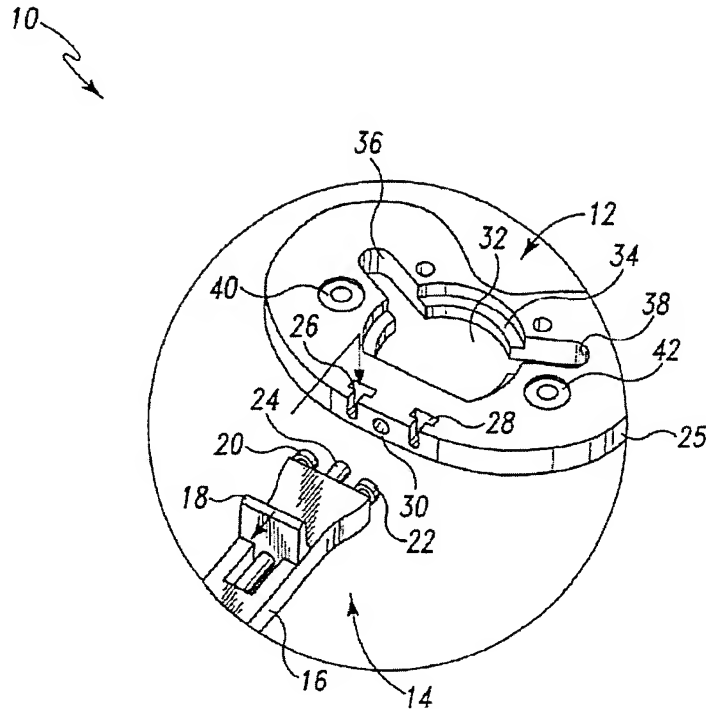
### REJECTION UNDER 35 U.S.C. § 102

Claims 1-5, 8, 12, 18, and 27-31 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Heldreth et al (U.S. Pat. No. 6,942,670). This rejection is respectfully traversed.

Claims 3 and 18 are canceled without prejudice.

Heldreth et al discloses a handle 14 coupled to a body 25 of a tibial tray with first and second pins 20, 22 that releasably engage slotted bores 26, 28 in the tray body 25. The handle also includes a central pin 24 that is received in a center bore 30 of the body 25. See Heldreth et al, FIG. 1, and column 4, lines 44-52. Therefore, the handle 14 is connected to the body 25 in **three separate locations of the periphery of the**

body 25, namely at the center bore 30 and two bores 26, 28, one on each side of the bore 30.



**Fig. 1**

**Heldreth et al**

Accordingly, Heldreth et al fails to disclose a handle coupled to the tibial base **only at one location** on a periphery of the tibial base, the location being offset relative to the center axis, as claim 1 recites. The same arguments apply to the rejection of independent claim 31, which recites that the first end of the handle is attached to the tibial base at **only one** location of the tibial base that is offset from the longitudinal axis of the handle. See, for example, FIG. 1 of present application.

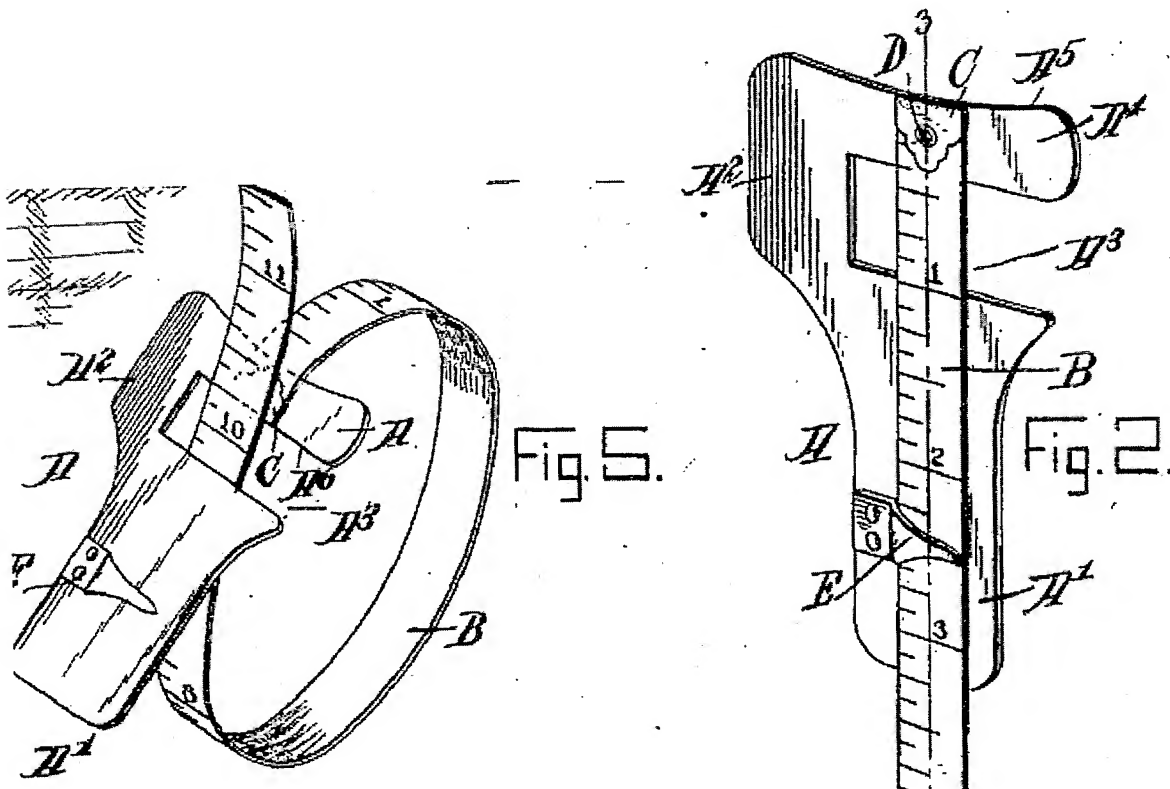


**REJECTION UNDER 35 U.S.C. § 103**

Claims 6, 14, 16-17, 19, and 32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Heldreth et al in view of Klein (U.S. Pat. No. 1,011,628). This rejection is respectfully traversed.

Claim 6 depends from claim 1, claims 14, 16 and 30 depend from claim 8 and claim 32 depends from claim 31. As discussed above, Heldreth et al fails to disclose all the elements of independent claims 1, 8 and 31.

Klein discloses a tape measure having a slot A3 through which the tape is passed. Further, the slot functions to form a tongue A4, and not to provide a clearance. See Klein, lines 37-45, 91-99, and FIGS. 2 and 5. Therefore, neither Heldreth et al nor Klein disclose a clearance for avoiding tissue impingement.



Klein

Even assuming that the teachings of Klein, issued in 1911 and directed to a tape measure for clothing, and the teachings of Heldreth et al, issued in 2005 and directed to a tibial tray, are somehow properly combinable, the combination still fails to disclose all the elements of the base claims that are missing from Heldreth et al, as discussed above in connection with claims 1, 8 and 31.

Similar arguments apply for the rejection of independent claim 17 and its dependent claim 19. Heldreth et al fails to disclose a handle having a central longitudinal axis substantially parallel to the center axis of the tibial base, the handle having a first end, the first end coupled to the base only at one location offset relative to the center axis and a lateral clearance for avoiding tissue impingement, as claim 17 recites.

Claims 9 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Heldreth et al in view of Schmidt (U.S. Pat. No. 3,203,285).

Claims 9 and 10 are canceled without prejudice. Therefore this rejection is now moot.

Claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Heldreth et al. Claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Heldreth et al. These rejections are respectfully traversed.

Claims 11 and 15 ultimately depend from claim 8. As discussed above, Heldreth et al fails to disclose all of the elements of the base claim 8, and therefore it also fails to disclose all of the elements of its dependent claims 11 and 15. Accordingly, claims 11 and 15 are patentable over Heldreth et al.

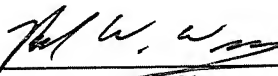
Reconsideration and withdrawal of these rejections is respectfully requested.

## CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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